



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
(Attorney Docket No. 04608.00002)

In the Application of: )  
Baldwin, et al. )  
Serial No.: 09/775,891 ) Group Art Unit: 3731  
Filed: February 2, 2001 ) Examiner: n/a  
For: Apparatus and Method for Repairing the Femur )

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

BOX MISSING PARTS  
Assistant Commissioner For Patents  
Washington, D.C. 20231

Sir:

This is in response to the Notice To File Missing Parts of Nonprovisional Application mailed on March 14, 2001. In order to complete the filing requirements, Applicants enclose herewith the executed Declaration and Power of Attorney. Also enclosed is a copy of said Notice of Missing Parts.

The Commissioner is authorized to charge all fees required to Deposit Account No. 01-0850.

Respectfully submitted,  
BANNER & WITCOFF, LTD.

Date: May 14, 2001

By:   
Binal J. Patel  
Reg. No. 42,065



CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Express Mail No. EL735227976US

Deposited May 14, 2001

I hereby certify that the attached correspondence, identified below, is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" under 37 CFR 1.10 on the date indicated above and is addressed to: BOX MISSING PARTS, Assistant Commissioner for Patents, Washington, DC 20231.

By: Tony Harris  
(person *actually* depositing)

Patent Application of: Baldwin, et al.

Title: Apparatus and Method for Repairing the Femur

- Response to Notice to File Missing Parts
- Transmittal Form
- Fee Transmittal
- Executed Joint Declaration (3 sheets)
- Certificate of Mailing
- Return Postcard

Attorney Docket No.: 04608.00002



Please type a plus sign (+) inside this box

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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	09/775,891
		Filing Date	February 2, 2001
		First Named Inventor	Baldwin, et al.
		Group Art Unit	3731
		Examiner Name	
Total Number of Pages in This Submission	8	Attorney Docket Number	04608.00002

### ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Response  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application)  <input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  <b>COPY OF NOTICE TO FILE MISSING PARTS</b>  <b>EXECUTED JOINT DECLARATION</b>
Remarks		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	BINAL J. PATEL (Reg. No. 42,065) Banner & Witcoff, Ltd.	
Signature		
Date	May 14, 2001	

### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail No. EL735227976US in an envelope addressed to: BOX MISSING PARTS, Assistant Commissioner for Patents, Washington, D.C. 20231 on this date:

May 14, 2001

Typed or printed name			
Signature		Date	May 14, 2001

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be send to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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**FEE TRANSMITTAL**  
**for FY 2001**

Patent fees are subject to annual revision.

**TOTAL AMOUNT OF PAYMENT**

(\$ 65

**Complete if Known**

Application Number	09/775,891
Filing Date	February 2, 2001
First Named Inventor	Baldwin, et al.
Examiner Name	
Group / Art Unit	3731
Attorney Docket No.	04608.00002

**METHOD OF PAYMENT (check one)**

1.  The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number

01-0850

Deposit Account Name

BANNER &amp; WITCOFF, LTD.

Charge Any Additional Fee Required  
Under 37 CFR 1.16 and 1.17  
 Applicant claims small entity status.  
See 37 CFR 1.27

2.  Payment Enclosed:

Check  Credit card  Money Order  Other

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Fee Code	Large Entity Fee (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105	130	205	65 Surcharge - late filing fee or oath	65.00
127	50	227	25 Surcharge - late provisional filing fee or cover sheet.	
139	130	139	130 Non-English specification	
147	2,520	147	2,520 For filing a request for reexamination	
112	920*	112	920* Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840* Requesting publication of SIR after Examiner action	
115	110	215	55 Extension for reply within first month	
116	390	216	195 Extension for reply within second month	
117	890	217	445 Extension for reply within third month	
118	1,390	218	695 Extension for reply within fourth month	
128	1,890	228	945 Extension for reply within fifth month	
119	310	219	155 Notice of Appeal	
120	310	220	155 Filing a brief in support of an appeal	
121	270	221	135 Request for oral hearing	
138	1,510	138	1,510 Petition to institute a public use proceeding	
140	110	240	55 Petition to revive – unavoidable	
141	1,240	241	620 Petition to revive – unintentional	
142	1,240	242	620 Utility issue fee (or reissue)	
143	440	243	220 Design issue fee	
144	600	244	300 Plant issue fee	
122	130	122	130 Petitions to the Commissioner	
123	130	123	130 Petitions related to provisional applications	
126	180	126	180 Submission of Information Disclosure Stmt	
581	40	581	40 Recording each patent assignment per property (times number of properties)	
146	710	246	355 Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355 For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355 Request for Continued Examination (RCE)	
169	900	169	900 Request for expedited examination of a design application	
Other fee (specify) _____				

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ 65

\*\*or number previously paid, if greater; For Reissues, see above

**SUBMITTED BY****Complete (if applicable)**

Name (Print/Type)	BINAL J. PATEL	Registration No. Attorney/Agent)	42,065	Telephone	312-715-1000
Signature				Date	May 14, 2001

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

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Page 1 of 1

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/775,891	02/02/2001	Eric A. Baldwin	04608.00002

CONFIRMATION NO. 8122

FORMALITIES LETTER



\*OC000000005862383\*

Date Mailed: 03/14/2001

**NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**

**FILED UNDER 37 CFR 1.53(b)**

***Filing Date Granted***

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 65.**

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*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

05/17/2001 GTEFFERA 00000042 010850 09775891

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